

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 2859-02
BILL NO.: HB 1677
SUBJECT: Makes Various Changes to Domestic Violence Statutes
TYPE: Original
DATE: February 8, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	Exceeds (\$251,643)	Exceeds (\$259,629)	Exceeds (\$261,103)
Total Estimated Net Effect on <u>All</u> State Funds	Exceeds (\$251,643)	Exceeds (\$259,629)	Exceeds (\$261,103)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Health, Department of Insurance, Office of Prosecution Services** assume that this proposal will not fiscally affect their agencies.

Officials from the **Office of State Public Defender (SPD)** stated for the purpose of this proposal, the SPD has assumed existing staff could provide representation for those 75 to 100 cases arising where indigent persons were charged with the crime of domestic abuse more than two times on the same family. However, passage of more than one similar proposal would require the SPD to request increased appropriations to cover cumulative costs of representing the indigent accused in these cases where the penalty has been enhanced. The SPD provided representation in 6,038 assault cases in Fiscal Year 1999.

Officials from the **Office of State Courts Administrator (OSCA)** stated under the current law, there were 35,608 adult abuse petitions filed in FY 99. This proposal will increase the number of cases by an unknown factor. Almost all of these cases are file pro se, and court clerks are required to assist parties in completing forms. This has been a very labor-intensive type case, and the proposal will increase the time required and the number of cases.

While it is not possible to estimate the increased volume of cases or the average increase in time on these cases, it is most likely increased state costs for court clerk time will exceed \$100,000 per year. This is based on an 1,800 hour/FTE year, and an average salary for the clerks handling these cases being \$21,000/year or higher, plus fringes.

Oversight cannot provide an estimate of the costs for new court clerks related to this proposal. As a result, the state costs will reflect an unknown amount to exceed \$100,000 annually for additional court clerks and expense and equipment items for the new staff.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** stated the manner of prescribed for entry of Orders of Protection would require procedures for entry and editing, modifying, reporting and deleting to be developed, tested, implemented, documented, and maintained. Based on this, the MHP's Information System Division would require one full-time Computer Information Technology Specialist (CITS) position (\$40,536). This position would require the standard office equipment. The costs were charged to the General Revenue Fund.

The MHP's Criminal Records and Identification Division assumes there would be no fiscal impact to them because they see no need for a change in their existing process or any requirement for a new database.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** did not respond to our request for fiscal impact nor did the DOC provide Oversight with a ten year impact statement required by state law.

Oversight assumes this proposal will impact the DOC by an unknown amount likely to exceed \$100,000 annually.

Officials from the **Office of Attorney General (AGO)** did not respond to our request for fiscal impact. **Oversight** assumes any additional responsibilities for the AGO could be absorbed with existing resources.

Officials from the **Jackson County Sheriff's Office** and **Kansas City Police Department** did not respond to our request for fiscal impact. Oversight will rely on the response from the St. Louis Metropolitan Police Department for local law enforcement fiscal impact.

Officials from the **St. Louis Metropolitan Police Department (STLMPD)** stated this proposal will fiscally impact their agency.

The STLMPD estimated that this proposal would result in housing more detainees. The STLMPD used total jail costs plus an indirect cost rate of 42% of that total to estimate a \$122 per day cost of housing prisoners. Jail costs reported by the STLMPD included:

Salaries and Benefits	\$3,971,358
Medical maintenance	\$ 450,000
Food/supplies	<u>\$ 46,000</u>
Sub-total	<u>\$4,467,358</u>
42% indirect rate	<u>\$1,876,290</u>
Total Jail Costs	<u><u>\$6,343,649</u></u>

Average cost per day \$17,380 for 52,000 prisoners or \$122 per day or \$5.08 per hour.

The STLMPD averages 7,000 domestic violence detainees a year. This proposal would add 1,750 more detainees resulting in costs of \$266,860.

The STLMPD will also be fiscally impacted by a need to increase their Domestic Assault Response Team (DART). They anticipate needing 18 Police Officers and one Sargent with benefits and vehicle maintenance costs totaling \$1,859,746.

The STLMPD will also require an additional firearms examiner with costs totaling \$111,026.

ASSUMPTION (continued)

The STLMPD would also require more Police Officers for new crime reporting requirements which totals \$914,424 each year.

The STLMPD reported that the total costs to their department relating to this proposal was \$3,152,056.

Oversight assumes that local governments that have jails or other detainment facilities may see an increase in costs related to an increase in persons detained in these facilities. The proposal may also require the local governments to hire additional police officers or deputy Sheriffs. Oversight cannot predict how this proposal will affect the various city police and county law enforcement agencies. Oversight assumes that these law enforcement agencies will find it necessary to hire additional personnel. Therefore, Oversight will reflect an unknown cost for local government funds for additional law enforcement personnel. These costs are expected to well exceed \$100,000 annually.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
GENERAL REVENUE FUND			
<u>Costs - Office of State Courts</u>			
<u>Administrator</u>			
Personal Service, Expense and Equipment for Court Clerks	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)
<u>Costs - Department of Public Safety - Missouri Highway Patrol</u>			
Personal Service (1 FTE)	(\$34,625)	(\$42,588)	(\$43,653)
Fringe Benefits	(\$13,292)	(\$16,350)	(\$16,758)
Expense and Equipment	(\$3,727)	(\$690)	(\$692)
Total <u>Costs</u> - Missouri Highway Patrol	<u>(\$51,643)</u>	<u>(\$59,629)</u>	<u>(\$61,103)</u>
<u>Costs - Department of Corrections</u>			
Increased Costs for Additional Prisoners or Probation Costs	Exceeds <u>(\$100,000)</u>	Exceeds <u>(\$100,000)</u>	Exceeds <u>(\$100,000)</u>
ESTIMATED EFFECT ON GENERAL REVENUE FUND	Exceeds <u>(\$251,643)</u>	Exceeds <u>(\$259,629)</u>	Exceeds <u>(\$261,103)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
LOCAL GOVERNMENT FUNDS			
<u>Costs - Law Enforcement Departments</u>			
Additional Personal Service and Expense and Equipment and Jail/Detention Costs	Exceeds <u>(\$100,000)</u>	Exceeds <u>(\$100,000)</u>	Exceeds <u>(\$100,000)</u>
ESTIMATED EFFECT ON LOCAL GOVERNMENT FUNDS*	Exceeds <u>(\$100,000)</u>	Exceeds <u>(\$100,000)</u>	Exceeds <u>(\$100,000)</u>

*** Costs could be substantial.**

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal makes various changes to laws relating to domestic violence. In its main provisions, the proposal:

- (1) In the domestic violence insurance law, (a) defines "sole" as a single act or a pattern of domestic violence which may include multiple acts; and (b) allows an innocent coinsured victim to collect on an insurance policy if the innocent coinsured demonstrates a willingness to cooperate in the criminal prosecution of the coinsured offender causing the loss (Section 375.1312);
- (2) Expands the definition of "family" or "household member" in the adult abuse law to include adults in past or present dating relationships or engagements (Section 455.010);
- (3) Adds to the purposes for which ex parte or full orders of protection may be granted, restraining the respondent from communicating with the petitioner through any medium (Section 455.045);
- (4) Requires full and ex parte orders of protection to contain the federal domestic violence offender weapons-ban language (Section 455.050);
- (5) Requires consent orders of protections to include a court finding of abuse (Section 455.050);

DESCRIPTION

- (6) Adds the medical expenses of domestic violence victims to the list of expenses courts can order offenders to pay in full orders of protection (Section 455.050);
- (7) Expands the duty of local law enforcement to require a determination whether any criminal case is related to domestic violence and to report this information to the Highway Patrol (Section 455.543). Current law only requires local law enforcement to determine whether homicides involving adult victims are related to domestic violence and to report this information to the Highway Patrol;
- (8) Requires all orders of protection to include the respondent's Social Security number (Section 455.550);
- (9) Makes Federal Rules of Evidence Rule 803, the "excited utterance" hearsay exception, applicable in court proceedings involving domestic violence, even when the declarant is available as a witness (Section 491.073);
- (10) Establishes the separate crimes of domestic assault in the first degree (a class A or B felony, depending upon the seriousness of the injury); domestic assault in the second degree (a class C felony), and domestic assault in the third degree (a class A misdemeanor, unless the offender has 3 or more domestic assault convictions, in which case it is a class D felony);
- (11) Updates the harassment law to include communicating through any medium to reflect new technologies utilized by perpetrators (Section 565.090); and
- (12) Enacts state statutes mirroring the federal law prohibiting the sale of firearms or ammunition to, or transport or reception of firearms or ammunition in interstate commerce by, persons subject to orders of protection for, or convicted of, domestic assault. This is a class C felony (Section 571.500).

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Department of Insurance
Office of State Courts Administrator
Office of Prosecution Services
Office of State Public Defender
Department of Public Safety - Missouri Highway Patrol
St. Louis Metropolitan Police Department

NOT RESPONDING: Department of Corrections, Office of Attorney General, Kansas City Police Department, and Jackson County Sheriff

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive script.

Jeanne Jarrett, CPA
Director
February 8, 2000